UNITED STATES DISTRICT COURT DISTRICT OF SOUTH CAROLINA

William Henley,) C/A No. 8:13-2571-JFA-JDA
)
Petitioner,)
) ORDER
VS.)
)
Warden of Kershaw Correctional Institution,)
)
Respondent.)
)

The *pro se* petitioner, William Henley, is an inmate with the South Carolina Department of Corrections. He brings this action pursuant to 28 U.S.C. § 2254 challenging his 2007 convictions.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein she suggests that this court should dismiss the action for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The respondent filed a motion for summary judgment, however, the petitioner did not respond to the motion.² The Report sets forth in detail the relevant facts and standards of law on this matter, and the

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

² An order was issued pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975) notifying petitioner of the summary dismissal procedure and possible consequences if he failed to adequately respond to the motion for summary judgment. Petitioner did not respond to the motion.

8:13-cv-02571-JFA Date Filed 05/08/14 Entry Number 35 Page 2 of 2

court incorporates such without a recitation.

The petitioner was advised of his right to file objections to the Report and

Recommendation, which was entered on the docket on April 21, 2014. However, the

petitioner did not file objections and the time within which to do so has now expired. In the

absence of specific objections to the Report of the Magistrate Judge, this court is not required

to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d

198, 199 (4th Cir. 1983).

The Magistrate Judge has allowed the petitioner time to respond to the court's various

orders and the petitioner has failed to do so. This court agrees with the Magistrate Judge that

the petitioner meets all of the criteria for dismissal under Rule 41(b). See Ballard v. Carlson,

882 F.2d 93 (4th Cir. 1989), Davis v. Williams, 588 F.2d 69 (4th Cir. 1978).

Accordingly, this action is dismissed with prejudice for lack of prosecution. The

Clerk shall docket the respondent's motion for summary judgment (ECF No. 24) as moot.

IT IS SO ORDERED.

Joseph F. Anderson, Jr.

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United States District Judge

May 8, 2014 Columbia, South Carolina

2